

Patrick K. McDonnell [ProSe]
20 Rawson Place
Staten Island, New York 10314
Telephone: (718) 524-6312
Email: cdm@gmx.us

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BY ECF

RE: Defendant response to Docket #107

Chief Magistrate Judge Roanne L. Mann
United States District Court
Eastern District of New York
225 Cadman Plaza East
New York, New York 11201

Re: *Commodity Futures Trading Commission v. Patrick K. McDonnell and CabbageTech, Corp. d/b/a Coin Drop Markets*, No. 18-CV-00361 (JBW)(RLM)

Dear Chief Magistrate Judge Mann:

I am a ProSe litigant in the above captioned matter writing in response to Plaintiff [Docket #107] respectively. Plaintiff claims; Id. ***“Because there has been no harassment by the Commission and there is no other basis for the relief sought by McDonnell, his letter-motion should be denied in its entirety.”*** [quoting Docket #107] Plaintiff claiming that the Commission ‘**has not**’ harrassed Defendant/Family in regards to Discovery overscope is untrue as proven in Court dockets/minutes. **Plaintiff claim of no basis for the relief sought is also untrue lacking any merit.** Defendant has referred to Plaintiff going outside the scope of Discovery subpoena as duly noted in **Dockets #84 and #85** filed with the Court in regards to Plaintiff requesting information of a family member cable/phone account/records illegally. **“Defendant seeks Court clarification of “Capital One Account” and ‘possible others’ as a full inspection of Plaintiff ‘previous’ illegal and possibly pending subpoenas on Defendant merit judicial regulatory overview.”** Defendant further requested relief by way of **“A FULL INSPECTION”** as noted in Docket #103. Plaintiff also claims; Id. ***“Throughout this litigation, the Division has complied with the Federal Rules in serving Mr. McDonnell with document requests and interrogatories,”*** [quoting Docket #107] Plaintiff may be correct in following rules regarding service but **has not complied** in regards to following Federal Rules of investigation within scope as duly noted in this Courts minutes. Plaintiff further claims; Id. ***“The account referenced by Mr. McDonnell in his letter-motion could belong to one of Mr. McDonnell’s adult sons, who also is named Patrick Kerry McDonnell.”*** This clearly proves Defendant correct in Plaintiff overreach of Discovery scope otherwise how would Plaintiff be so sure of Defendants sons **MIDDLE** name, “Patrick **Kerry** McDonnell” when never discussed or publicly listed? Who is to say his middle initial “K.” stands for “KERRY” and not “KEVIN” a widely used name in our family tree?

Defendant by this letter-motion, *again*, requests the Court order a ‘**complete**’ and ‘**accurate**’ retroactive audit review of Plaintiff **served subpoenas** on Defendant taking effect from January 18, 2018. In Defendant **attachment** to Docket #103; [Docket #104] filed May 30, 2018 not at all mentioned in Plaintiff response to Docket #103. Id. “*In further relief, Defendant requests through this letter-motion that Plaintiff also be ordered to submit “any and all” subpoena requests served on “third-parties” outside of the above referenced relief sought noted in Docket #103 “unknown to Defendant” to be included in request of the; ‘complete’ and ‘accurate’ retroactive audit review of Plaintiff served subpoenas on Defendant taking effect from January 18, 2018.*” and; “*Defendant believes this request to be fair and reasonable under the present circumstances of Plaintiff continued accused illegal legal misconduct duly noted in [Docket #94]; RE: LETTER TO JUDGE WEINSTEIN - PLAINTIFF LEGAL MISCONDUCT and; for being corrected of said deeds by this Court on record during a Discovery conference all worded in minutes. Defendant refers to [Docket(s) #84, #85] as further proof of Plaintiff overreaching scope of Discovery limitations which raises concern.*” [quoting Docket #104]

Defendant relief sought goes beyond Plaintiff limited wording of Defendant said request(s) to the Court. Further quoting Docket #104; Id. “*Plaintiff misconduct and inability to follow Court orders/rules unless restrained by this Court include but are not limited to; Defendant/Family; ‘Constitutional [PRIVACY] Rights Violations, ‘Unfair Due Process’, and ‘Federal R. Civ. P. Rule violations’ harmful to both Defendant/Family. Defendant believes there is additional misconduct in regards to the ‘unknown’ subpoena(s) used in Plaintiff ‘private’ investigation efforts that merit audit/review to preserve Defendant/Family god given rights to privacy.*” Defendant does not trust a spoken/written word of Plaintiff claims and sincerely asks the Court to grant said relief mentioned in Docket(s) #103 and #104. Defendant also asks the Court for ‘**clarification**’ of Plaintiff subpoena requests dating back to January 01, 2016 when alleged activities occurred after January 01, 2017 as stated in improperly placed Complaint.

Respectfully submitted,
/s/ Patrick K. McDonnell
Patrick K. McDonnell [ProSe]

